

DEFINITIONS

Variances: A **variance** is a requested deviation from the set of rules a municipality applies to land use known as a zoning ordinance, building code or municipal code. In certain situations the Board *may* choose to grant a property owner a requested variance, enabling the owner to make use of the property in some way that conflicts with the literal provisions of the zoning ordinance. A variance shall not be granted unless and until the Board finds:

1. The granting of this variance will not be contrary to the public interest.
2. Due to special conditions, the literal enforcement of the zoning ordinance will result in unnecessary hardship.
3. By granting the variance, the spirit of the ordinance will be observed and substantial justice will be done.

Special Exceptions: A **Special Exception** is a use not permitted within a zoning district, but can be authorized by the Board, subject to certain, specific conditions. The applicant must demonstrate compliance with the conditions at the Board of Adjustment meeting. Special Exceptions required by the City of San Antonio include:

1. One-operator beauty or barber shop in a residential area.
2. Non-commercial parking lots.
3. Relocation of residential buildings/structures.
4. Ornamental-iron front yard fences.

Appeals: The Board is given the responsibility of hearing appeals of decisions made by an administrative official. Appeals to the Board from any order, requirement, decision, or determination made by an administrative official in the enforcement of the Unified Development Code must be made within 30 days after the decision.



THE BOARD OF ADJUSTMENT

City of San Antonio
Cliff Morton Development & Business Services Center
Planning and Development Services Department
1901 South Alamo Street
San Antonio, TX 78204

THE BOARD OF ADJUSTMENT

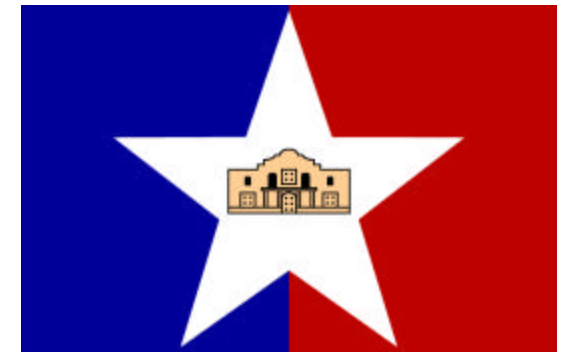
Variances



Special Exceptions



Appeals



City of San Antonio, TX
Planning and Development
Services Department
Board of Adjustment
(210) 207-1111

The Board of Adjustment

WHAT IS THE BOARD OF ADJUSTMENT?

The Board of Adjustment is a “quasi-judicial” board consisting of representatives appointed by the City Council. There are 11 Board members and 6 alternates. The Board exists because it is the most effective method of maintaining a zoning ordinance that meets the needs of the community *and* addresses hardship in individual cases. The Board serves to interpret the city ordinances and policies for unique situations or special cases. The term “quasi-judicial” is used because the Board serves as the final arbiter of the administrative process.

WHAT CAN THE BOARD OF ADJUSTMENT DO?

The Board has the power to hear and decide:

- Variances
- Special Exceptions
- Appeals of Administrative Decisions

Property owners who believe the literal enforcement of the zoning ordinance would result in a unique physical hardship on their property may request a variance. It is necessary to obtain a favorable vote from at least 9 members in order to gain approval.

HOW DO I SUBMIT A REQUEST?

The BOA generally meets every first and third Monday of the month. Requests for variances, special exceptions, or appeals can be submitted in person or by mail to the Planning and Development Services Department offices, which are located in the Cliff Morton Development & Business Services Center at 1901 South Alamo Street. All applications required for submittal are available online at www.sanantonio.gov/dsd/zoning.asp or may be picked up in person at our offices. At the time of application, the following information will be required

1. Complete Application;
2. Plot plan or site plan drawn to scale presenting the following:
 - Property boundary lines;
 - Location and size of existing and proposed buildings;
 - Front, side, and rear yard setbacks (proposed or existing)
2. Owner authorization if necessary;
3. Appropriate Fees (see below).

INCOMPLETE APPLICATIONS CANNOT BE ACCEPTED.

BOA Fees:

- Homestead—\$400
- Non-Homestead—\$600
- Refund Processing fee—\$100

WHAT IF MY REQUEST IS APPROVED?

If a request is approved the applicant is allowed to use the property as indicated by the Board's approval. All conditions included must be met. The permitting process must be initiated within **6 months** of the Board's decision, otherwise the decision becomes null and void, and the variance request must be resubmitted.

WHAT IF MY REQUEST IS DENIED?

Applicants whose requests are denied by the Board must take appropriate action to comply with the current ordinance. If the Board denies a request, no request may be filed for the same property for **one year**, unless the applicant can convince the Board that they now have new evidence that was not available at the initial hearing.

APPEALS OF BOA DECISIONS

Any aggrieved party may appeal a decision of the Board to the District or County Court of law within 10 days of approval of the meeting's minutes.